



**COMMITTEE OF ADJUSTMENT
SUMMARY OF COMMENTS FOR MAY 17, 2023
FOR APPLICATION A06-23
467 MOONEY CRESCENT**

The below summary of comments provides information and any requested conditions of approval from circulated Departments and external agencies.

CITY OF ORILLIA

TO: Committee of Adjustment – Meeting of May 17, 2023
FROM: Planning Division
DATE: May 3, 2023
FILE NO: Application for Minor Variance A06-23
APPLICANT: Neil Watts and Jill Watts
**SUBJECT
PROPERTY:** 467 Mooney Crescent - Minor Variance to expand a boat port

Recommendation:

THAT the Committee of Adjustment approve Minor Variance Application A06-23, as follows and subject to the following conditions.

Recommended conditions of approval:

1. That the variance only apply to the submitted application drawings and any future development be subject to the Zoning Bylaw standards and provisions.

Purpose

The purpose of this report is to provide the Committee of Adjustment with information related to Minor Variance application A06-23, submitted with respect to the property municipally known as 467 Mooney Crescent. The applicant is proposing one (1) minor variance as follows to the provisions of Zoning By-law 2014-44:

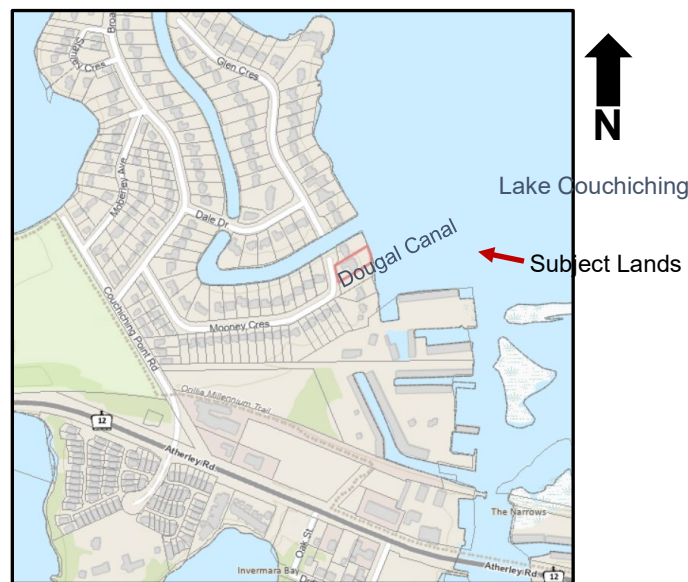
	Section 5 General Provisions - Section 5.1.4.2 c)	Requirement for R1 Zone – Shoreline Buffer Zone	Proposed	Variance
1	5.1.4.2 c). – The outside dimensions of the Structure, inclusive of any cribs, roof eaves, attached walkway or Dock, shall fit within an 8.0 m by 10.0 m rectangular area or envelope;	8.0 m x 10.0 m	8.53 m x 12.6 m	.53 m x 2.6 m

Background and Key Facts

- The subject property is:
 - Located within the “Living Area - Stable Neighbourhood” designation of the City of Orillia Official Plan.
 - Located in Significant Ground Water Recharge Area (SGRA)
 - Zoned “Residential One” (R1) under Zoning By-law 2014-44
 - Partially within the “Shoreline Buffer Overlay Zone”, and the existing boat port is entirely within the Overlay Zone - measured 15 m (49 ft) from Lake Couchiching as per Zoning By-law 2014-44
 - Wholly within the “Flood Hazard Overlay Zone” as per Zoning By-law 2014-44
 - Not located within the Lake Simcoe Watershed
 - Not Located in, but adjacent properties within the Dougal Canal Overlay Zone
- The subject land has road access via Mooney Crescent and has shoreline access via Lake Couchiching.
- A Shoreline lot’s “frontage” is deemed to be at the water’s edge and this lot has approximately 30.0 m (98 ft) of frontage along Lake Couchiching.
- The property has a total Lot Area of 2,117.9 sq.m (22,797sq. ft) and the portion of the lot subject to the Shoreline Buffer Zone (first 15.0 m from Lake Couchiching) has an area of 434.03 sq.m (4,994.76 sq.ft).
- The subject lands are currently developed with a Single Detached Dwelling 266.7 sq.m (2,892 sq.ft), constructed in 1981. The dwelling also has a large attached deck and an outdoor half in ground pool. The Boat Port was constructed in 1984.
- The main dwelling is approximately 29.0 m from the shore of Lake Couchiching and not subject to this Minor Variance Application
- The Boat Port located at the shore edge of Lake Couchiching is the subject of this Minor Variance Application (or the proposed expansion thereof).

- The Boat Port was constructed to provide roof covering over an existing in water boat slip and is currently 6.70 m (22 ft) by 9.70 m (32 ft) and has an area of 65.0 sq. m (700 sq. ft.). The Boat Port is approximately 1.1m (3.8 ft) from the southern property line and situated a good distance from the northern property line.
- The entire property's Lot Coverage is currently 21%, whereas Zoning By-law requires a minimum of 45% for R1 Zones.
- The portion of the lot subject to the Shoreline Buffer Area is subject to its own Lot Coverage permission of 24%. The lot's current coverage is 15%. and the proposed expansion increases that to 22%.
- Shoreline Structures such as the Boat Port are permitted to be 8.0 m by 10.0 m or a total area of 80 sq. m. (861.1 sq. ft.).
- The Minor Variance application has been submitted as the applicant wishes to expand and increase the length and width of the Boat Port beyond the Zoning By-law's limits.
- The proposed expansion will result in the Boat Port being 8.5 m by 12.0 m with respective variances of 0.5 m and 2.0 m and an area of 107.0 sq.m

Key Map



Surrounding Lands:

North	Single Detached Dwelling, shoreline structures, entrance to the Dougal Canal
East	Lake Couchiching
South	Single Detached Dwellings, no shoreline structures just docks
West	Single Detached Dwellings, Mooney Crescent

Analysis:

Site Inspection Date	May 2, 2023 Approaching the property via Mooney Crescent, you can not see any of the shoreline or its associated structures. The property is located one lot away from the terminus of Mooney Crescent and the entrance to the Dougal Canal. The
-----------------------------	---

property is well buffered from the main road by existing mature trees and the house is setback a fair distance.



The existing Boat Port is located on the lakeside portion of the property. Given there is no ability to see the structure from the road, the impacts of this development, if any, will be mostly experienced by the one property that is immediately south and by those using Lake Couchiching.

The Boat Port is one of two shoreline structures that exist along this section of shoreline. There are five shoreline properties from the entrance of the Dougal Canal to the narrows with the subject property being the 2nd from the entrance. There are three shoreline properties to the south and none of them have any shoreline structures beyond that of a dock. The one property to the north, which is adjacent to the entrance to the Dougal Canal, has a smaller structure located on its the shoreline. These uses can be observed in the attached image below:



The shoreline properties on the other side of the Dougal Canal (to the north) are more frequently developed with shoreline structures such as Boat Houses and Boat Ports, so this is not an uncommon feature along Lake Couchiching.

The existing Boat Port on the subject lands as shown below, is set back a suitable distance from the abutting property (3.8m) and has been in this location since 1984.



The immediate property to the south was not developed until after 2016, as shown below, so impacts, if any from the Boat Port to this property have always been in existence.



There does not appear to be a fence separating these properties other than what exists around the pool. Fencing and or trees, would help buffer, but also may impede views to the water which is a motivating factor for living in this area. The Boat Port is also setback the required distance from a property line.

<p>Maintains the purpose and intent of the Official Plan:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer</p>	<p>The subject lands are designated Living Area- Stable Neighbourhood on Schedule 'A' of the City's Official Plan, which permits the lands to be developed for residential purposes. Shoreline properties are unique in their proximity to the water and facilitate activities which are water based. Therefore, it is not uncommon to see development of shoreline structures such as Boat Ports and Boat Houses, or an increase in accessory structures to house watercrafts and/or water-based accessories. As mentioned, both the dwelling and the Boat Port have been located on this property for quite some time (1981 and 1984 respectively).</p> <p>The City's Official Plan provides direction on "Ensuring the Sustainability and Integrity of the Environment" which has made the protection and enhancement of <i>natural heritage features, areas</i> and <i>environmental resources</i> a priority. In keeping with this, all new shoreline developments must review potential environmental impacts related to their construction and if such impact may affect the water quality in Lake Simcoe and/or Lake Couchiching.</p> <p>Placing controls on shoreline development helps minimize impacts on the waters edge and promotes healthy lake's environments where water quality and aquatic habitats can continue to prosper. Since this property and its Boat Port were already in existence, impacts if any have already been established, therefore a request to increase the size of the existing structure by 35.0 sq. m. within 15.0 m from the water's edge would not, in staff's opinion further impact the Lake.</p> <p>Staff conclude that the variance meets the purpose and intent of the Official Plan as the additions to the Boat Port would not fundamentally change the use of the existing structure, in a manner that would create negative impacts.</p>
<p>Maintains the purpose and intent of the Zoning By-law:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer</p>	<p>Staff have reviewed the relevant sections of the Zoning By-law and find that the proposed additions, which will increase the size of a permitted shoreline structure (Boat Port) from 10.0 m by 8.0 m to 12.0 m and 8.5 m is a modest request. As the Boat Port already exists, its main function has been to provide shelter for a boat slip. The addition is proposed to allow some additional space for storage of accessories or smaller watercraft needs. The additions are in keeping with the general sizing outlined in the By-law. They are also designed in a way to minimize impact on adjacent properties or to the water's edge. The expansion of the 10.0 m length to 12.0 m length, is really to capture a bump out area. The actual extension of this length is more like 1.83 m (6.0 ft) and it will be to the rear of the Boat Port so it should not interfere with lake side views.</p>

	<p>58687-0211(L1)</p> <p>The other expansion is a request for 0.5 m more than what is permitted, and this portion will be added inward to the subject property, again placing no impacts onto adjacent uses. The overall sq.m added will be 35 sq.m which is an acceptable addition as the Shoreline Buffer Overlay Zone permits a total lot coverage of 25%, and the addition will increase the existing coverage of 15%, but will maintain a 22% coverage, which is within the 25% threshold.</p> <p>From the design, it would appear the applicant made efforts to adhere to Zoning requirements. The additions proposed are modest and they have been projected in a manner to minimize effects, so it would be reasonable to assume it would not create any further impacts than what is already present. Therefore, it is Staff's opinion that this variance will have no further impacts on the shoreline and is in keeping with the intent of the Zoning By-law provided that recommended conditions are applied.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Defer</p>	<p>Staff have reviewed the relevant sections of the Official Plan, Zoning By-law, site characteristics, surrounding lands uses and the proposed design and are satisfied that the offending part of the proposed addition will have no further impacts on the shoreline of Lake Couchiching or to the neighbouring properties. The subject variance is desirable for the property as it represents a small addition to a permitted use. The Shoreline Buffer Area is being maintained and the applicant has stayed within the confines of development within this area.</p> <p>The lot itself, located at the terminus of Mooney Crescent, has very little exposure from the street to the shoreline. Shoreline structures are common for properties like this, and the design and layout have been done to minimize impacts.</p> <p>There is only one property directly adjacent to this lot and the addition is set back the required distance from the mutual property line. The portion of the addition where the variance is required is not on the side of the addition adjacent to this neighbouring lot. While the other properties to the north being a considerable distance away, should not have and directly impacts.</p>

	<p>There would also be no noticeable impact to those utilizing the Lake, as the structure will not be altering its current use as a Boat Port and its increase in size, from the water perspective is only an increase of 0.53 m.</p> <p>Subject to the requested condition contained within this report, Staff consider the proposed variance for the subject land appropriate for the Boat Port, the shoreline of Lake Couchiching, the neighboring property, the area, and for the lot itself.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer</p>	<p>When determining whether a variance is considered minor in nature, Staff must evaluate the four tests of the <i>Planning Act</i> and the appropriateness of the development on the subject lands. The proposed variances of 0.53 m and 2.06 m or an area of 35 sq.m, numerically meets the definition of minor. The impacts to adjacent uses as well as the shoreline of Lake Couchiching are negligible as the addition will be constructed inward to the subject lands and not towards the lake or to the adjacent neighbour. Staff feel the applicant has designed the addition in a way to reduce impacts. Staff therefore conclude that as no direct impacts will result from this addition and all other aspects of the zoning bylaw are being complied, with therefore Staff consider the proposed variance minor in nature.</p>

Conclusion

The proposed variances associated with application A06-23 have been reviewed with regard to the four tests as set out within the *Planning Act*. It is the opinion of staff that the four tests have been satisfied and are recommending approval of the application subject to conditions.

Prepared by:



Ali Chapple
Senior Planner

Reviewed by:

Jeff Duggan
Senior Planner



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	May 11, 2023
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Jamie Galloway, Development Coordinator
SUBJECT ADDRESS:	467 Mooney Crescent
SUBJECT FILE #:	

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval, rather additional information regarding requested conditions of approval):

- No comments.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of the Building Division).

- No conditions.

EXTERNAL AGENCY COMMENTS

None received.

PUBLIC COMMENTS RECEIVED

None received.